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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,843	02/10/2004	David Orbeck	7200-101/10211420	3024
167	7590	02/16/2006	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			JOHNSON, BLAIR M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,843

Applicant(s)

ORBECK ET AL.

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings were received on 12/1/05. These drawings are acceptable.

Response to Amendment

Note that the status identifier for claim 27 is incorrect. It is labeled as "new". However, it should have been identified as "previously presented".

Claim Rejections - 35 USC § 112

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The dependency of claim 14 is ambiguous. It will be examined as if it depended from both claim 1 and claim 13.

Claim Rejections - 35 USC § 103

Claims 1,5-11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakalar in view of Howard and further in view of Schaller et al.

See the embodiment of Figs. 10-20 in Bakalar wherein he discloses two sets of Venetian blinds suspended by and moveable along parallel tracks. See track 102. What he does not show are the walls and the mesh and the frame (inferred in claim 1). However, Howard discloses Venetian blinds having screen mesh supported in frames/walls which are further slidable. In view of this teaching, it would have been obvious to modify Bakalar whereby his blinds are in frames so as prevent swaying of the blinds during movement and mesh screen to prevent ingress of pests. The relative

sizes of the sashes and the flanges to extend the size of the rear sash are viewed as merely aesthetic features since there has been given no reason as to their purpose.

The details of the frame of Howard are not shown. However, Schaller discloses a frame for a Venetian blind that provides channels which define walls (base of the channel) and frames (sides of the channel). It would have been obvious to provide the frame of Bakalar and Howard with such a structure so as to contain the blind, thereby providing an opening smaller than the size of the investiture.

Claims 12-14 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakalar in view of Howard and Schaller et al as applied above, and further in view of Matimura.

Matimura discloses a roller and track system that permits movement of the rollers in all directions. This includes upturned flanges and pairs of rollers as clearly seen in Figs. 5-7. It would have been obvious to replace the roller system of Bakalar with that of Matimura so as to provide a more smoothly movable panel. While Matimura teaches supporting the tracks to the bottom of a horizontal surface (header), Bakalar also teaches such as seen in Fig. 5 wherein the vertical portion of the header 12 has the brackets attached thereto.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant has mischaracterized the teachings of Howard and Schaller et al that are applied to Bakalar. The Examiner does not propose taking Howard's sashes out of the wall and incorporating them into the Bakalar structure. It is clearly proper to glean teachings from

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a reference, such as Howard, and to apply these teaching to a primary reference, such as Bakalar. The Examiner merely proposes a modification of Bakalar in view of certain teachings provided by Howard, as presented in detail above. Howard clearly passes all tests for analogous art and physical incorporation of Howard into Bakalar is not required nor proposed. The teaching of Schaller et al are likewise properly applied for the same

reasons. ***Conclusion***

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

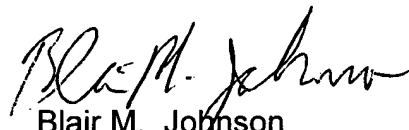
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
2/13/06